

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Criminal No. 07-396 (RHK/AJB)

Plaintiff,

ORDER

v.

REFUGIO GADEA PLIEGO,

Defendant.

This matter came before the Court on February 19, 2008, for a status conference. The United States was represented by Assistant United States Attorney Tracy Perzel and the Defendant was represented by Douglas Olson, Assistant Federal Defender.

Trial in this matter is scheduled for February 25, 2008. The court proposed rescheduling the trial to March 24, 2008. The court believes this date falls within the Speedy Trial Act requirements (18 U.S.C. 3161 et seq.) based on the following:

1. the Defendant was arraigned in this matter on November 2, 2007;
2. the United States filed its motion for discovery on November 20, 2007;
3. the defendant filed various motions on November 21, 2007;
4. the motions hearing was held before Magistrate Judge Boylan on December 17, 2007;
5. the parties completed supplemental briefing following the motions hearing on December 31, 2007;
6. Magistrate Judge Boylan entered the Report and Recommendation on January 7, 2008;

7. this Court received objections to the Report and Recommendation and a response to those objections on January 23, 2008, and February 6, 2008, respectively; and
8. this Court entered an order adopting the Report and Recommendation on February 8, 2008.

Neither party objected to the proposed resetting of the trial to March 24, 2008. Moreover, the Defendant previously filed a waiver of the Speedy Trial Act timeline.

Now therefore, based upon all the files, records and proceedings in this case, **IT IS HEREBY ORDERED**

1. the trial in this matter is reset to commence on March 24, 2008, at 10:00 a.m., in Minneapolis in a courtroom to be determined; and
2. the parties shall file proposed voir dire questions and proposed jury instructions on or before March 10, 2008.

Dated: February 20, 2008

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge